

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, October 11, 2010, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS - 7:00 p.m. - Atlas Site Brownfield Cleanup Grant (10-0518R).

7:00 p.m. - Northstar Aerospace MIF Loan and Promissory Note Modification Agreement Amendments (10-0517R).

- - -

MISSION STATEMENT: The mission of the Duluth City Council is to develop effective public policy rooted in citizen involvement that results in excellent municipal services and creates a thriving community prepared for the challenges of the future.

- - -

TOOLS OF CIVILITY: The Duluth City Council promotes the use and adherence of the tools of civility in conducting the business of the council. The tools of civility will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]

- - -

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

*10-1011-01 Duluth Area Family YMCA acceptance of concurrent use permits granted by: (a) Ordinance No. 9964 on April 13, 2009; (b) Ordinance No. 10023 on April 12, 2010. -- Received

- - -

REPORTS FROM THE ADMINISTRATION

- - -

REPORTS FROM OTHER OFFICERS

*10-1011-02 Clerk application for exempt permit (raffle) to the Minnesota gambling control board from Regents of the University of Minnesota on April 14, 2011. -- Received

- - -

REPORTS OF BOARDS AND COMMISSIONS

*10-1011-03 Building appeal board minutes of: (a) July 14; (b) August 11, 2010, meetings. -- Received

*10-1011-04 Duluth airport authority: (a) Minutes of: (1) August 17; (2) September 8, 2010, meetings; (b) Unaudited balance sheet of July 31, 2010. -- Received

*10-1011-05 Duluth public arts commission minutes of August 16, 2010, meeting. -- Received

*10-1011-06 Duluth Seaway Port authority minutes of: (a) May 27; (b) July 22, 2010, meetings. -- Received

*10-1011-07 Duluth transit authority: (a) Income statement for May 2010; (b) Minutes of: (1) May 26; (2) June 30, 2010, meetings. -- Received

*10-1011-08 Housing and redevelopment authority of Duluth minutes of August 31, 2010, meeting. -- Received

*10-1011-09 Library board minutes of August 24, 2010, meeting. -- Received

* Listed only, not copied.

- - -
REPORTS OF COUNCIL COMMITTEES
- - -
REPORTS OF COUNCIL OPEN ISSUES
- - -
OPPORTUNITY FOR CITIZENS TO BE HEARD
- - -

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

All matters listed under the consent agenda are considered routine and/or noncontroversial and will be enacted by one unanimous motion. If a councilor requests, or a citizen wishes to speak on an item on the consent agenda, it will be removed and handled separately.

COMMITTEE 1

BY COUNCILOR FEDORA

(FINANCE)

10-0524R - RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF TAXABLE GENERAL OBLIGATION AIRPORT IMPROVEMENT REFUNDING BONDS, SERIES 2010D.

10-0525R - RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF GENERAL OBLIGATION IMPROVEMENT REFUNDING BONDS, SERIES 2010E.

10-0526R - RESOLUTION REDIRECTING TRANSFER OF \$600,000 FROM THE HOUSING INVESTMENT FUND TO THE STREET IMPROVEMENT PROGRAM.

10-0543R - RESOLUTION AMENDING RESOLUTION NO. 10-0467 DELETING CERTAIN PUBLIC DOCUMENTS THEREFROM AND SUBSTITUTING OTHERS THEREFOR ALL RELATED TO PHASES I AND II OF THE DULUTH AIRPORT TERMINAL PROJECT AT THE DULUTH INTERNATIONAL AIRPORT.

BY COUNCILOR CUNEO

(PURCHASING & LICENSING)

10-0516R - RESOLUTION AWARDED A CONTRACT TO THE BOLDT COMPANY DBA OSCAR J. BOLDT CONSTRUCTION FOR THE REPLACEMENT OF STRUCTURAL FLOOR SLABS AT THE CITY MAINTENANCE SHOP LOCATED AT 1532 WEST MICHIGAN STREET IN THE AMOUNT OF \$134,100.

10-0527R - RESOLUTION AUTHORIZING A CONTRACT WITH ARAMARK UNIFORM SERVICE (ARAMARK UNIFORM & CAREER APPAREL, LLC) FOR LAUNDRY SERVICES AND THE RENTAL OF UNIFORMS AND MISCELLANEOUS ITEMS FOR YEAR 2010 AT AN ESTIMATED AMOUNT OF \$65,000.

10-0530R - RESOLUTION APPROVING THE ISSUANCE OF A 2011 MINNESOTA CURRENCY EXCHANGE LICENSE TO PAWN AMERICA MINNESOTA, LLC.

10-0532R - RESOLUTION ISSUING AN ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO MACLARD'S ENTERPRISES, LLC, (LOLA'S TO GO), 1516 KENWOOD AVENUE.

10-0533R - RESOLUTION ISSUING AN ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE TO OSAKA DULUTH, INC. (OSAKA SUSHI HIBACHI STEAKHOUSE), 5115 BURNING TREE ROAD.

10-0534R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR VARIOUS ORGANIZATIONS.

COMMITTEE 1

BY COUNCILOR CUNEO (PURCHASING & LICENSING)

10-0539R - RESOLUTION AUTHORIZING A CONSTRUCTION CONTRACT WITH OTIS ELEVATOR COMPANY FOR THE DECOMMISSIONING AND MODERNIZATION OF PASSENGER ELEVATORS LOCATED WITHIN CITY HALL AT 411 WEST FIRST STREET FOR A TOTAL AMOUNT OF \$552,164.

BY COUNCILOR BOYLE (PERSONNEL)

10-0511R - RESOLUTION CONFIRMING THE APPOINTMENT OF NANCY BRATRUD TO THE HOUSING AND REDEVELOPMENT AUTHORITY, REPLACING JAMES BOOTH.

10-0512R - RESOLUTION CONFIRMING THE APPOINTMENTS OF DONNA BERGSTROM, TERRY GOODSKY AND TERRY SMITH TO THE AMERICAN INDIAN COMMISSION, REPLACING ANTOINETTE DICKENSON, RENEE VAN NETT AND BEATRICE KITTO.

10-0540R - RESOLUTION REAPPOINTING RAY KLOSOWSKI TO THE SEAWAY PORT AUTHORITY OF DULUTH.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

10-0513R - RESOLUTION APPROVING LAWS OF MINNESOTA 2010, CHAPTER 382, SECTION 84, CORRECTING PARCEL CODE NUMBERS IN LAWS OF MINNESOTA 2009, CHAPTER 88, SECTION 17.

10-0517R - RESOLUTION AUTHORIZING A FOURTH AMENDMENT TO THE MINNESOTA INVESTMENT FUND (MIF) AGREEMENT WITH THE STATE OF MINNESOTA AND FURTHER AUTHORIZING A FOURTH AMENDMENT TO THE MIF LOAN AGREEMENT AND A FOURTH PROMISSORY NOTE MODIFICATION AGREEMENT WITH NORTHSTAR MACHINE & TOOL, INC., D.B.A. NORTHSTAR AEROSPACE, ALLOWING INTEREST-ONLY PAYMENTS FOR AN ADDITIONAL NINE-MONTH PERIOD.

10-0518R - RESOLUTION AUTHORIZING THE ACCEPTANCE OF A BROWNFIELD PETROLEUM GRANT FROM THE U.S. ENVIRONMENTAL PROTECTION AGENCY AND THE EXECUTION OF THE AGREEMENT RELATED THERETO.

10-0538R - RESOLUTION RESCINDING RESOLUTION 05-0156, VACATING PORTIONS OF 43RD, 44TH AND 45TH AVENUES WEST, SOUTH OF GRAND AVENUE AND NORTH OF WEST SECOND STREET ALSO KNOWN AS TRAVERSE STREET, VACATING A UTILITY EASEMENT OF WEST SECOND STREET, AND ACCEPTING DEDICATION OF PORTIONS OF 44TH AVENUE WEST AND WEST SECOND STREET (DULUTH CITY ENGINEER).

COMMITTEE 3

BY COUNCILOR GAUTHIER (PUBLIC WORKS & UTILITIES)

10-0506R - RESOLUTION AMENDING CONTRACT C20772 WITH MSA PROFESSIONAL SERVICES, INC. FOR ENGINEERING SERVICES FOR ARLINGTON PUMP STATION IMPROVEMENTS IN THE ESTIMATED AMOUNT OF \$22,478.10 FOR A NEW TOTAL OF \$274,309.10.

10-0515R - RESOLUTION AWARDDING A CONTRACT TO UTILITY SYSTEMS OF AMERICA, INC. FOR 2010 LIFT STATION IMPROVEMENTS IN THE AMOUNT OF \$375,476.

COMMITTEE 3

BY COUNCILOR GAUTHIER (PUBLIC WORKS & UTILITIES)

10-0529R - RESOLUTION OF INTENT TO IMPROVE A PORTION OF 36TH AVENUE EAST AND TO ASSESS A PORTION OF THE COSTS THEREOF.

10-0535R - RESOLUTION AUTHORIZING A REQUEST TO MNDOT TO PROVIDE ADVANCE FUNDING AND AUTHORIZING PAYMENTS FROM SUBSEQUENT ACCRUALS TO THE CITY'S MUNICIPAL STATE AID CONSTRUCTION ACCOUNT FOR VARIOUS CITY PROJECTS IN THE AMOUNT OF \$1,358,722.85.

10-0537R - RESOLUTION CREATING THE PILOT HOME PERFORMANCE AUDIT PROGRAM, APPROVING PROGRAM GUIDELINES AND AUTHORIZING THE DIRECTOR OF PUBLIC WORKS AND UTILITIES TO ADMINISTER THE PROGRAM IN CONFORMANCE THEREWITH AT A COST OF NOT TO EXCEED \$30,000.

10-0544R - RESOLUTION OF INTENT FOR CONSTRUCTION OF APPROXIMATELY 150 FEET OF SANITARY SEWER IN NORTH EIGHTH AVENUE EAST BEGINNING AT EIGHTH STREET ALLEY AND EXTENDING NORTHERLY AND TO ASSESS THE COSTS THEREOF.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

10-0519R - RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT FROM MINNESOTA DEPARTMENT OF PUBLIC SAFETY STATE FIRE MARSHAL'S OFFICE IN THE AMOUNT OF UP TO \$50,000 TO REIMBURSE THE FIRE DEPARTMENT FOR EMS MEDICAL SUPPLIES.

10-0520R - RESOLUTION ACCEPTING PISC SUBGRANT FROM THE NORTHEAST REGIONAL RADIO BOARD IN THE AMOUNT OF \$33,713 FOR THE PURCHASE OF RADIO EQUIPMENT FOR THE POLICE AND FIRE DEPARTMENT AND PROVIDING FOR LOCAL MATCH.

10-0528R - RESOLUTION CHANGING ALTERNATE SIDE PARKING ON 59TH AVENUE WEST BETWEEN HIGHLAND STREET AND RALEIGH STREET.

10-0536R - RESOLUTION AUTHORIZING A CONTRACT WITH RJS CONSTRUCTION GROUP, LLC, FOR THE CONSTRUCTION OF THE NEW CITY OF DULUTH POLICE HEADQUARTERS BUILDING AT 2030 NORTH ARLINGTON AVENUE FOR A TOTAL AMOUNT OF \$10,274,105.

10-0541R - RESOLUTION APPROVING 2011 PILOT COUNTY ENFORCEMENT PROJECT GRANT AGREEMENT AND ACCEPTING \$70,400 FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY.

10-0542R - RESOLUTION ACCEPTING A GRANT FROM THE NORTHLAND FOUNDATION IN THE AMOUNT OF \$5,000 FOR THE PURPOSE OF HELPING SPONSOR AN AMERICORPS VISTA FELLOW THROUGH THE UNIVERSITY OF MINNESOTA TO WORK ON A DOMESTIC VIOLENCE AND COMMUNITY PROSECUTION INITIATIVE WITHIN THE CITY OF DULUTH THROUGH THE CITY ATTORNEYS OFFICE.

END OF CONSENT AGENDA

- - -

The following entitled resolutions are also for consideration at this meeting:

COMMITTEE 1

BY COUNCILOR FEDORA (FINANCE)

10-0521R - RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS, SERIES 2010A.

10-0522R - RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF GENERAL OBLIGATION CAPITAL EQUIPMENT NOTES, SERIES 2010B.

10-0523R - RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF GENERAL OBLIGATION UTILITIES REVENUE REFUNDING BONDS, SERIES 2010C.

COMMITTEE 2

BY PRESIDENT ANDERSON (COMMITTEE OF THE WHOLE)

10-0514R - RESOLUTION AMENDING RESOLUTION 09-0007 AS AMENDED RETAINING MAKI AND OVEROM, CHARTERED, INCREASING THE AMOUNT BY \$150,000 FOR A NEW TOTAL AMOUNT NOT TO EXCEED \$460,000.

- - -

INTRODUCTION AND CONSIDERATION OF ORDINANCES

The following entitled ordinances are to be read for the first time:

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

10-052-O - AN ORDINANCE DESIGNATING THE PROPERTY KNOWN AS THE JOHN J. ASTOR PARK A/K/A HISTORICAL PARK AS A LOCAL HERITAGE PRESERVATION LANDMARK.

BY PRESIDENT ANDERSON (COMMITTEE OF THE WHOLE)

10-053-O - AN ORDINANCE RELATING TO THE PLANTING, MAINTAINING AND REMOVAL OF VEGETATION ON PUBLIC AND PRIVATE PROPERTY; ADDING A NEW DIVISION 6 TO ARTICLE 2 OF CHAPTER 20 AND AMENDING ARTICLE IV OF CHAPTER 35 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC SAFETY)

10-054-O - AN ORDINANCE AMENDING CHAPTER 40, ARTICLE II, OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO LOST, STOLEN OR ABANDONED PROPERTY.

BY COUNCILOR GARDNER (RECREATION, LIBRARIES & AUTHORITIES)

10-055-O - AN ORDINANCE ADDING A NEW ARTICLE III, CHAPTER 33 OF THE DULUTH CITY CODE, 1959, AS AMENDED REGARDING MINI-TRUCK REGULATIONS.

- - -

The following entitled ordinances are to be read for the second time:

COMMITTEE 1

BY COUNCILOR FEDORA (FINANCE)

10-050-O - AN ORDINANCE AMENDING CHAPTER 2, ARTICLE XV, OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO DUTIES OF THE CITY DEFERRED COMPENSATION PLAN COMMISSION.

COMMITTEE 2

BY COUNCILOR STAUBER (PLANNING & ECONOMIC DEVELOPMENT)

10-048-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ZONING DISTRICT MAP NO. 17 AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM M-1, MANUFACTURING, AND I-P, INDUSTRIAL PARK, TO C-5, PLANNED COMMERCIAL, PROPERTY BETWEEN 44TH AND 46TH AVENUES WEST SOUTH OF GRAND AVENUE (J&S PARTNERSHIP).

10-049-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, AMENDING PUBLIC DOCUMENT NO. 03-0324-15 TITLED "RAMSEY VILLAGE NEIGHBORHOOD DOCUMENTS OF IMPLEMENTATION."

10-051-O - AN ORDINANCE GRANTING TO JEFFREY B. SMITH AND PETER S. LAMBERT A CONCURRENT USE PERMIT FOR OFF STREET PARKING AREA INTO THE RIGHT-OF-WAY OF THE WEST SKYLINE PARKWAY ADJACENT TO PROPERTIES LOCATED AT 610 AND 618 WEST SKYLINE PARKWAY.

COMMITTEE 3

BY COUNCILOR GAUTHIER (PUBLIC WORKS & UTILITIES)

10-047-O - AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PROPERTY IN THE LINCOLN PARK AREA TO PAUL JEFFREY AND MELISSA LYNN-SCHULTZ ODENBACH FOR \$10,000.

- - -

COUNCILOR QUESTIONS AND COMMENTS

- - -

COUNCILOR PREVIEW OF UPCOMING BUSINESS

- - -